

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KEVIN A. MARTIN,)	
)	
Petitioner)	
)	
vs.)	No. CIV-06-885-C
)	
STATE OF OKLAHOMA, et al.,)	
)	
Respondents)	

ORDER

This action for habeas corpus relief brought by a state prisoner was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings. Judge Purcell recommended that this action be dismissed as it is a duplicate of a prior petition for habeas corpus, Case No. CIV-06-87-C. In his response to this Report and Recommendation, Petitioner requests that this action be dismissed. He also requests leave to amend his “Brief in Support” and attaches an “Amended Petition” (Dkt. No. 12), which appears to be a brief in support of the earlier filed habeas corpus action.

In an attempt to restore some procedural order to both habeas actions, the Court enters the following Order.

The Report and Recommendation of the Magistrate Judge is adopted, in its entirety, and Case No. CIV-06-885-C is dismissed.

The pleading entitled “Amended Petition,” carrying the case number and accordingly filed in the instant case, is stricken, and the Clerk is directed to refile the Amended Petition as a brief in support of the habeas corpus action in Case No. CIV-06-87-C.

IT IS SO ORDERED this 28th day of September, 2006.



ROBIN J. CAUTHRON
United States District Judge